

1 FRANCIS M. GREGOREK (144785)
gregorek@whafh.com
2 BETSY C. MANIFOLD (182450)
manifold@whafh.com
3 FRANCIS A. BOTTINI, JR. (175783)
bottini@whafh.com
4 RACHELE R. RICKERT (190634)
rickert@whafh.com
5 WOLF HALDENSTEIN ADLER
6 FREEMAN & HERZ LLP
Symphony Towers
7 750 B Street, Suite 2770
San Diego, CA 92101
8 Telephone: 619/239-4599
9 Facsimile: 619/234-4599

10 Plaintiffs' Co-Lead Counsel

11 [Additional Counsel Appear On Signature Page]

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

E-FILED - 10/18/06

16 In re NOVELLUS SYSTEMS, INC.) Master File No. C 06-03514 RMW
17 DERIVATIVE LITIGATION)
18) DERIVATIVE ACTION
19)
20 This Document Relates To:) **STIPULATION AND ~~PROPOSED~~**
21) **ORDER SETTING SCHEDULE FOR**
22) **FILING OF CONSOLIDATED**
23) **COMPLAINT AND BRIEFING MOTION**
24) **TO DISMISS**
25
26
27
28

STIPULATION AND ~~PROPOSED~~ ORDER SETTING SCHEDULE FOR FILING OF CONSOLIDATED COMPLAINT AND BRIEFING MOTION TO DISMISS - Master File No. C 06-03514 RMW

1 WHEREAS, a Case Management Conference was held before the Court on September 8,
2 2006 and counsel for both parties were present.

3 WHEREAS, the parties agreed to meet and confer on a schedule for filing a consolidated
4 complaint and a briefing schedule for defendants' Motion to Dismiss.

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
6 the undersigned counsel for plaintiffs and defendants, subject to the approval of the Court, as
7 follows:

8 **SCHEDULE RE: COMPLAINT AND MOTION TO DISMISS**

9 1. Plaintiffs shall serve a Consolidated Complaint on or before November 8, 2006.

10 2. Defendants shall file their responsive pleading on or before December 8, 2006.

11 3. If defendants file a Motion to Dismiss, plaintiffs shall have until January 5, 2007 to
12 file any opposition.

13 4. Defendants shall file a reply on or before January 19, 2007.

14 5. A Hearing on Defendants' Motion to Dismiss and a further Case Management
15 Conference shall be held as directed by the Court on January 26, 2007 at 9:00 a.m.

16 DATED: September 14, 2006

17 WOLF HALDENSTEIN ADLER
18 FREEMAN & HERZ, LLP
19 FRANCIS M. GREGOREK
20 BETSY C. MANIFOLD
21 FRANCIS A. BOTTINI, JR.
22 RACHELE R. RICKERT

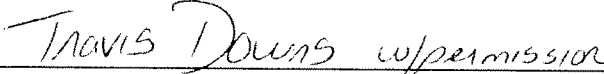
23 
24 _____
25 BETSY C. MANIFOLD

26 Symphony Towers
27 750 B. Street, Suite 2770
28 San Diego, California 92101
Telephone: 619/239-4599
Facsimile: 619/234-4599

1 WOLF HALDENSTEIN ADLER
2 FREEMAN & HERZ, LLP
3 GREGORY NESPOLE
4 DANIEL KRASNER
5 GUSTAVO BRUCKNER
6 MARTIN RESTITUYO
270 Madison Avenue
New York, New York 10016
Telephone: 212/545-4600
Facsimile: 212/545-4653

7 DATED: September 15, 2006

8 LERACH COUGHLIN STOIA GELLER
9 RUDMAN & ROBBINS LLP
10 TRAVIS DOWNS

11 
12 TRAVIS DOWNS *ben*

13 655 West Broadway, Suite 1900
14 San Diego, CA 92101
15 Telephone: 619/231-1058
16 Facsimile: 619/231-7423

17 Counsel for Lead Plaintiff Alaska Electrical Pension
18 Fund and Co-Lead Counsel

19 LAW OFFICES OF JACOB T. FOGEL
20 JACOB T. FOGEL
21 32 Court Street, Suite #602
22 Brooklyn, New York 11201
23 Telephone: 718/221-5552
24 Facsimile: 718/875-4500
25
26
27
28

1 DATED: September 14, 2006

MORRISON & FOERSTER
DARRYL P. RAINS
SUNIL R. KULKARNI

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUNIL R. KULKARNI

755 Page Mill Road
Palo Alto, CA 94304-1018
Telephone: 650/813-5600
Facsimile: 650/494-0792

Counsel for Nominal Defendant Novellus Systems,
Inc. and defendants Richard S. Hill, Jeffrey C.
Benzing, D. James Guzy, Glen G. Possley, J. David
Litster, Tom Long, Robert H. Smith, William R.
Spivey, Neil R. Bonke, Youssef A. El-Mansy,
Yoshio Nishi, Ann D. Rhoads, And Delbert A.
Whitaker

IT IS SO ORDERED

Dated: 10/18/06

/s/ Ronald M. Whyte

UNITED STATES DISTRICT COURT JUDGE

STIPULATION AND ~~PROPOSED~~ ORDER SETTING SCHEDULE FOR FILING OF CONSOLIDATED
COMPLAINT AND BRIEFING MOTION TO DISMISS - Master File No. C 06-03514 RMW

DECLARATION OF SERVICE

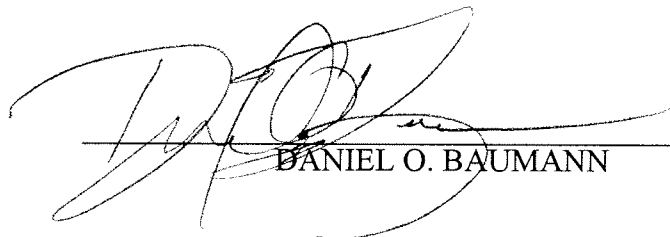
I, DANIEL O. BAUMANN, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that declarant's business address is 750 B Street, Suite 2770, San Diego, California. 92101.

2. That on September 15, 2006, declarant served the **STIPULATION AND [PROPOSED] ORDER SETTING SCHEDULE FOR FILING OF CONSOLIDATED COMPLAINT AND BRIEFING MOTION TO DISMISS** via the CM/ECF System to the parties so indicated on the attached service list, who are registered participants of the CM/EMF System.

3. That there is regular communication between the parties.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 15th day of September 2006, at San Diego, California.



DANIEL O. BAUMANN

NOVELLUS SYSTEMS, INC.
Service List -- August 31, 2006
Page 1

COUNSEL FOR PLAINTIFFS

Francis M. Gregorek
Betsy C. Manifold
Francis A. Bottini, Jr.
Rachele R. Rickert
WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
Symphony Towers
750 B Street, Suite 2770
San Diego, CA 92101
619/239-4599
619/234-4599 (fax)

* Travis Downs
LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
619/231-1058
619/231-7423 (fax)

COUNSEL FOR DEFENDANTS

* Darryl P. Rains
Eugene Illovsky
Sunil R. Kulkarni
Elizabeth J. Miles
MORRISON & FOERSTER
755 Page Mill Road
Palo Alto, CA 94304-1018
650/813-5600
650/494-0792 (fax)

Counsel for Nominal Defendant Novellus
Systems, Inc. and defendants Richard S.
Hill, Jeffrey C. Benzing, D. James Guzy,
Glen G. Possley, J. David Litster, Tom
Long, Robert H. Smith, William R. Spivey,
Neil R. Bonke, Youssef A. El-Mansy,
Yoshio Nishi, Ann D. Rhoads, and Delbert
A. Whitaker